THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23647 of 2006

Dated:23.08.2007

Between:

Vanama Satyanarayana, S/o.Srirama Murthy.

…Petitioner

and

The Agent to the Government,
East Godavari District at Kakinada,
and others.

…Respondents

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ORDER:

The fifth respondent herein, namely, the Special Deputy Tahasildar (Tribal Welfare), Addateegala Mandal in East Godavari District, filed LTRP No.48 of 2003 before the third respondent under Section 3(2) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (the Regulation, for brevity) as amended by Regulation I of 1970, and after conducting enquiry the third respondent ordered in favour of the petitioner. Aggrieved by the same, the fifth respondent herein filed an appeal, being C.M.A.No.120 of 2005, before the second respondent, namely, the Additional Agent to Government, East Godavari District, who is designated as an Agent for the purpose of the Regulation raised by G.O.Ms.No.193, dated 17.04.2002. Assailing the said Government Order, as well as the proceedings in C.M.A.No.120 of 2005, the present Writ Petition is filed.

A Division Bench of this Court to which I was a Member in W.P.No.1241 of 2005 and batch by common order dated 09.08.2007 considered the constitutional validity of G.O.Ms.No.193 dated 17.04.2002 and rejected all the contentions arriving at the following conclusions.

1. The impugned notification issued vide Notification No.193, dated 17.04.2002 does not suffer from any vice or invalidity by reason of not being assented to by the President of India under Paragraph 5(4) of Fifth Schedule to the Constitution of India.

2. By reason of impugned Notification issued by Governor of Andhra Pradesh under Paragraph 5(1) of Fifth Schedule, Section 3 of Delegation Act is also applicable to the Regulation I of 1959 made by the Governor under Paragraph 5(2) of Fifth Schedule.

3. There is no illegality or infirmity in Government of Andhra Pradesh designating Project Officers of Integrated Tribal Development Agencies as Additional Agent to Government in scheduled areas for the purpose of Regulation I of 1959, and exercise powers of Agents under the said Regulation.

4. The Additional Agent to the Government (Project Officer, ITDAs) is subordinate to the District Collector, though he exercises concurrent jurisdiction under Regulation I of 1959 and therefore, it is competent for the District Collector to transfer cases pending before him including the Appeals under Section 3(3)(a)(iii) to the Additional Agent.

Following the above judgment, this writ petition is dismissed and the petitioner is given liberty to approach the second respondent, who is directed to dispose of the matter. No costs.

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(V.V.S.RAO, J)

23.08.2007
vs